

September 25, 2006

Mr. Benjamin Tobler, Water Resources Control Engineer
California Regional Water Quality Control Board San Diego Region
9174 Sky Park Court, Ste. 100
San Diego, CA 92123-4340



RE: Basin Plan Amendment to Incorporate TMDL for metals in Chollas Creek

Dear Mr. Tobler:

Thank you for the opportunity to comment on the Chollas Creek Dissolved Metals Total Maximum Daily Load (TMDL) project. San Diego Coastkeeper (Coastkeeper) is a non-profit organization working to protect the region's bays, beaches, watersheds, and ocean. Coastkeeper believes the implementation of a TMDL for metals in Chollas Creek is a great step toward achieving water quality objectives and minimizing adverse affects on the beneficial uses for this water body.

Coastkeeper supported the proposed Basin Plan amendment (BPA) as submitted to the State Water Resources Control Board (State Board) in June 2005. We understand that the State Board remanded the BPA back to the Regional Water Quality Control Board (Regional Board) for recirculation and further public comment on changes made to the Environmental Checklist after the close of the previous public comment period. The meeting minutes of the State Board meeting on May 2, 2006 state that while "the State Water Board *does not agree* that the San Diego Water Board failed to adequately consider the significant environmental points, the State Water Board remands this Basin Plan amendment so that the San Diego Water Board, in the first instance, can consider the comments of interested persons on the substitute environmental document." (SWRCB Meeting Minutes May 2, 2006 available at <http://www.waterboards.ca.gov/agendas/2006/xminutes/mins050206.pdf>, emphasis added) The remand by the State Board requires the Regional Board to collect public comments only on the portions of the BPA that were unavailable for comment during the previous comment period.

Coastkeeper continues to support the proposed BPA, and strongly agrees with the State Board that further comment should be limited to the revised documents. In our work with the city of San Diego on this matter, we understand the City will be submitting a study on TMDL feasibility. Coastkeeper has commissioned comments on that study from Dr. Richard Horner. Please find Dr. Horner's comments in the attached letter.

Specifically, Dr. Horner's response to the City includes the usefulness of more hydrology and soil analysis data in assessing all possible strategies for implementing the TMDL. Also, greater geographic analysis would help address some future potential problems that may be encountered in meeting the proposed TMDL. For example, the possibility of using the Low Impact Development (LID) engineering strategies, which the City's report states would reduce metal loading problems by 40 percent, could be further researched. A more detailed analysis is contained in the attached letter by Dr. Horner.

Although Dr. Horner's comment letter expresses a few concerns about the BPA, we believe the BPA should go forward. The timeline set forth in the report is both realistic and proactive. Chollas Creek has been on the EPA's 303(d) list for over ten years. It is important that the application of the TMDL begins as soon as possible.

The State Board also expressed eagerness to begin implementation of the TMDL at the May 2, 2006 meeting at which Chairman Dudoc requested that the Regional Board act upon the TMDL within the next three months. The iterative process for implementing TMDL outlined in the BPA will allow for continuing improvement upon the plan. Delaying the adoption of the BPA in order to create the perfect plan does not promote the objective of the Clean Water Act or the spirit of the TMDL provision.

Coastkeeper recommends that the BPA be approved with the current timeline. The toxicity of metals in Chollas Creek cannot be decreased without the prompt implementation of the TMDL within the schedule proposed.

Thank you for the opportunity to comment on this important matter.

Sincerely,

Livia Borak
Legal Intern
San Diego Coastkeeper

Gabriel Solmer
Supervising Attorney
San Diego Coastkeeper